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In re Application of
FITZGERALD et al.
Application No.: 10/570,123
PCT No.: PCT/GB04/04197
Int. Filing Date: 01 October 2004
Priority Date: 01 October 2003
Attorney's Docket No.: C&R 114
For: C1Q RELATED PROTEIN

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: DECISION ON PETITION
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: UNDER 37 CFR 1.181
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This is in response to applicant's "Petition under 37 CFR 1.181(a)" "Request for Refund" based upon a failure to receive an Office Action, filed in the United States Patent and Trademark Office (USPTO) on 23 June 2008 alleging that applicant did not receive the Notification of Missing Requirements mailed on 13 September 2006.

On 19 March 2007, without receiving the Notification of Missing Requirements, applicant filed four complete declarations; each one was executed by one of the named inventors.

On 16 April 2007, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicant indicating that "a copy of the sequence listing in computer readable form had not been submitted as required by 37 CFR 1.821(e). On 20 April 2007, a copy of the sequence listing in computer readable format was filed in the USPTO. On 09 August 2007, a Notice of Acceptance was mailed to applicant indicating that the date of receipt and date of completion of all of the requirements of 35 U.S.C.371(c)(1),(c)(2) and (c)(4) date is 19 March 2007.

On 23 June 2008, applicant filed a petition under 37 CFR 1.181 and request for refund of the four month extension of time fees, which were charged to applicant's deposit account.

From a review of the USPTO records it is clear that the 13 September 2006 Notification of Missing Requirements was not mailed to applicant. The petition under 37 CFR 1.181 may be properly granted at this time. Since the Notification was not mailed, no extension of time fees are required. Applicant's request for a refund of extension of time fees is granted.

Applicant's petition under 37 CFR 1.181 is **GRANTED**. The fourth month extension of time fees of \$1590 paid by applicant will be credited to applicant's deposit account. The application will be forwarded to Art Unit 1641 for examination of the application in due course.

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